

1 BEFORE THE
2 ILLINOIS COMMERCE COMMISSION
3
4 IN THE MATTER OF:)
5)
6 CAROLYN BONNER,)
7)
8 vs.) No. 10-0728
9)
10 COMMONWEALTH EDISON COMPANY)
11)
12 Complaint as to billing/charges)
13 in Chicago, Illinois.)
14
15 Chicago, Illinois
16 January 27, 2011
17
18 Met, pursuant to notice, at 1:00 p.m.
19
20 BEFORE:
21 MR. DAVID GILBERT, Administrative Law Judge
22
23 APPEARANCES:
24
25 MS. CAROLYN BONNER
26 800 South Wells Street, Unit 1137
27 Chicago, Illinois 60607
28 appearing pro se;
29
30 MR. MARK L. GOLDSTEIN
31 3010 Province Circle
32 Mundelein, Illinois 60060
33 appearing for Commonwealth Edison Company.
34
35 ALSO PRESENT:
36
37 MONICA MORENO
38
39 SULLIVAN REPORTING COMPANY, by
40 Rocio Garcia, CSR
41 License No. 084-004387

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I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-</u> <u>direct</u>	<u>Re-</u> <u>cross</u>	<u>By</u> <u>Examiner</u>
NONE					

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
NONE		

1 JUDGE GILBERT: Pursuant to the authority of the
2 Illinois Commerce Commission, I now call Docket
3 10-0728.

4 If I could have appearances for the
5 record, please.

6 MS. MONICA MORENO: On behalf of Commonwealth
7 Edison Company, Monica Moreno of ComEd. My address
8 is 3300 -- no 440 South LaSalle Street, Suite 3300
9 in Chicago, Illinois 60605 and my telephone number
10 is (312) 394-3866.

11 JUDGE GILBERT: All right. We're here on a
12 complaint by Carolyn Bonner against Commonwealth
13 Edison Company and it appears that the subject
14 matter of the complaint is an account number with
15 which the complainant is not satisfied although the
16 case is captioned a complaint as to billing and
17 charges in Chicago, Illinois.

18 All right. This case was noticed up for
19 1:00 p.m. It's now close to 1:25 and we have not
20 seen our complainant, and I think she's had time
21 enough to appear today if she's going to do that so
22 I consider this a failure to appear, at least for

1 today.

2 As is my custom I will reschedule the
3 case one time. We'll continue it to a time that is
4 convenient for the respondent and I will make sure
5 that the notice that is sent out to the complainant
6 says quite plainly that if she fails to appear again
7 I will recommend that the Commission dismiss this
8 case for want of prosecution. And I assume that at
9 that rescheduled hearing if the complainant doesn't
10 -- not appear that someone on behalf of Commonwealth
11 Edison will, in fact, move for dismissal for want of
12 prosecution.

13 Okay. Ms. Moreno, anything you wanted to
14 add?

15 MS. MONICA MORENO: I do not.

16 JUDGE GILBERT: Okay. All right. Let's go off
17 the record for just a moment -- oh, my God.

18 (Whereupon, Ms. Carolyn Bonner
19 entered the proceedings.)

20 (Whereupon, a discussion
21 was had off the record.)

22 JUDGE GILBERT: All right. I was just in the

1 midst of rescheduling the case. I was about to go
2 off --

3 MS. CAROLYN BONNER: Yes.

4 JUDGE GILBERT: -- the record --

5 Please, I'm speaking .

6 -- talk to Ms. Moreno about a date for
7 continuing the case and now the complainant,
8 Ms. Bonner, has walked in.

9 Ms. Bonner, the case was noticed up for
10 1:00 o'clock. We start at the time for which the
11 case is noticed. You should've been here at
12 1:00 o'clock. I don't know why you weren't. It
13 doesn't really matter at this point.

14 I'm going to go off the record and talk
15 about it but I'm not happy you didn't show up at the
16 time at which this case was noticed.

17 Let's go off the record.

18 (Whereupon, a discussion
19 was had off the record.)

20 JUDGE GILBERT: All right. We had a long,
21 extensive and exhausting conversation involving
22 myself and both parties off the record and seeing if

1 we could arrive at a satisfactory resolution, the
2 dispute raised by the complaint and the parties have
3 achieved a resolution as far as I can see. I
4 believe they have signed both an agreement that
5 would resolve the case and a joint motion to dismiss
6 the complaint. And let me just make sure that's
7 true.

8 Mr. Goldstein, is that correct?

9 MR. GOLDSTEIN: That is correct, Judge.

10 JUDGE GILBERT: And, Ms. Bonner, is that correct?

11 MS. CAROLYN BONNER: Could I say one thing?

12 JUDGE GILBERT: Go ahead.

13 MS. CAROLYN BONNER: I agree with the monies that
14 was offered. I agree with that but I cannot agree
15 with the fact that ComEd did not call management to
16 see why did they do what they did with my -- taking
17 my name off. I can accept the new account number
18 and be good with that, but I'm not good with the
19 fact that someone did this to me. I'm not good with
20 that. And when -- that's why I questioned the
21 attorney here in terms of the way it's wrote or
22 written down that this case is dismissed with

1 prejudice. I rather see it without prejudice
2 because on the fact of the person that removed my
3 name -- not the money part. I agree. We settled
4 that. I'm good with that but it's just that I'm not
5 satisfied with the fact of ComEd not addressing the
6 issue of my name being taken off my account. I'm
7 good with the new account but I want them to find
8 out from -- if they have to make a phone call to
9 management to see who did that.

10 I mean, I can go along as the -- she --
11 that she said, it's -- the number is a number. And
12 I just want it to be placed in the record that the
13 length of time that I have been with the company be
14 connected to this number, the new number. I'm good
15 with that if you can do that for me, you know. I'm
16 good with that so -- but I do want that to take
17 place, and I do want to find -- I do want them to --
18 ComEd to find out -- to call the necessary party to
19 say, Well, who gave -- you know, who in this -- who
20 in this office, you know, from this building told
21 ComEd to remove her name off of her account.

22 I can go along, like I said, with the new

1 account number since you said nothing can be done
2 which I -- you know, anything is possible but if
3 that's what you say I'm not going to argue about it.

4 JUDGE GILBERT: All right. Just so I'm clear,
5 you have a signed agreement. You've signed it and
6 she signed it?

7 MS. CAROLYN BONNER: Yeah, this part I want it
8 wrote in there even though he has down here "with
9 prejudice." That's what I said I want it without
10 prejudice for the simple reason that I want it to be
11 stated that the new number -- that the old number,
12 the length of time that I've been with ComEd to be
13 placed on this new number. I can adjust. You know,
14 I'm not a person who cannot accept change. I can
15 accept change, too. This -- for all I know this may
16 cause me to become a millionaire one day, okay. So
17 that's good but I want it wrote down here that they
18 would take the length of time that I've been with
19 the company and attach it to the new number.

20 And the other issue is that they should
21 call me building and ask them and management who did
22 that because my alderman, Fioretti, want to know,

1 for one, you know, because I did bring the issue up
2 to him and that's it. I'm good with it but I just
3 did not want it to say "with prejudice" to be
4 dismissed but without prejudice because it can be
5 with prejudice in terms of how we settle the money
6 part and the changing of the account number but
7 those two other, as they say, itty bitty issues I do
8 feel they should be addressed.

9 JUDGE GILBERT: All right. Well, let me address
10 what you just said. Your complaint raises two
11 points.

12 MS. CAROLYN BONNER: Mm-hmm.

13 JUDGE GILBERT: One is the accuracy of the
14 billing and the other is the change of account
15 number.

16 MS. CAROLYN BONNER: Yes.

17 JUDGE GILBERT: Now, that's all that's being
18 addressed here today. Any other matter is not being
19 addressed --

20 MS. CAROLYN BONNER: It was in the formal
21 complaint.

22 JUDGE GILBERT: -- today.

1 No, it's not.

2 MS. CAROLYN BONNER: Yes, it is and I wrote her a
3 letter and she sent it back to me saying that she
4 didn't have enough room to put that main issue down
5 that -- because I wrote the Chief Clerk a letter
6 when I got my date back and the caption that was --
7 what was in the caption and I sent it to her in the
8 mail and she sent back to me, she did not have
9 enough room to put that in there and I have that
10 here, her answer to me. I most certainly did
11 because I saw that she did not address the main
12 issue and I was going to fax you a copy and the
13 attorney but I couldn't get through the phone -- the
14 phone number so I did it and I had this -- I had
15 this sent. I had it notarized if you want to see it
16 and it says receiving of the formal complaint filed.

17 JUDGE GILBERT: All right. Okay. Yeah. You
18 know what, I actually have a copy of that letter
19 because that was sent to me as a -- so that I would
20 understand what you had sent to the clerk.

21 MS. CAROLYN BONNER: Yes.

22 JUDGE GILBERT: So I see the point.

1 All right. Let me discuss that then for
2 a moment. In your mind you have raised three claims
3 or --

4 MS. CAROLYN BONNER: Two, Judge.

5 JUDGE GILBERT: -- or you've asked for three
6 things. One is the account number and we've
7 accepted, I think, that that's -- you've accepted
8 that and you --

9 MS. CAROLYN BONNER: Yeah.

10 JUDGE GILBERT: -- say you did.

11 MS. CAROLYN BONNER: That's fine.

12 JUDGE GILBERT: Okay. That's going to be
13 changed. You wanted them to correct your bill
14 and --

15 MS. CAROLYN BONNER: Yes.

16 JUDGE GILBERT: -- as I understand it a change
17 has been made and you are --

18 MS. CAROLYN BONNER: I'm good with that. I'll go
19 along with that.

20 JUDGE GILBERT: Okay. All right. Thank you.
21 And I see that you've actually signed a document to
22 that effect.

1 MS. CAROLYN BONNER: Yeah.

2 JUDGE GILBERT: And the third thing you say is,
3 Find out the person that removed my name from my
4 account.

5 MS. CAROLYN BONNER: Yeah, I know it's --

6 JUDGE GILBERT: Okay. Now, here's the problem
7 with that, you're the complaining party. The
8 complaining party always has the responsibility of
9 proving up the case so we don't know who the person
10 is who called saying they were you. I mean, you say
11 it wasn't you but we don't know who it was.

12 You would have to come in and prove that
13 someone other than yourself made this call and even
14 if you did that there's still nothing we can do for
15 you.

16 MS. CAROLYN BONNER: But --

17 JUDGE GILBERT: Because -- let me tell you. We
18 only have jurisdiction over public utilities like
19 Commonwealth Edison. We have no control over your
20 condo management.

21 If it turned out to be someone at your
22 condo management, even if you could prove they made

1 the call, we couldn't do anything to them. You
2 can't get any help here from the Commission on that.
3 Now, if you want to take them to court, your condo
4 management, feel free but you would be, as
5 Mr. Goldstein said before, dismissed out on that
6 part of the complaint. There's nothing we can do
7 here. So my point isn't, I don't believe you. My
8 point is, even if I did believe you it wouldn't make
9 any difference. We can't help you find that person.

10 MS. CAROLYN BONNER: Well. . .

11 JUDGE GILBERT: That can't happen here. If you
12 want to get an attorney, run up some attorneys fees,
13 take it to court, feel free or just go to your condo
14 office, which apparently you have not done, and say,
15 I'd like to know if you were responsible for closing
16 my account. Those things can happen but there's
17 nothing we can do to satisfy this part of your
18 complaint so when you say --

19 MS. CAROLYN BONNER: Well --

20 JUDGE GILBERT: -- that you're willing to dismiss
21 the complaint with prejudice what you're saying
22 is --

1 MS. CAROLYN BONNER: I said without.

2 JUDGE GILBERT: Yeah, okay.

3 They want you to say with --

4 MS. CAROLYN BONNER: With prejudice, yes.

5 JUDGE GILBERT: -- because they know that if you

6 don't say with prejudice you can come back and raise

7 the same questions again even though they have given

8 you some courtesies --

9 MS. CAROLYN BONNER: But I signed off on those,

10 Judge. I couldn't bring that back. I signed off on

11 that.

12 JUDGE GILBERT: Have you signed off on the motion

13 to dismiss?

14 MS. CAROLYN BONNER: Well, I just wanted him to

15 write in there, you know, about the fact that

16 they'll take the length of time with the company

17 that I've been with the company and attach it to

18 the --

19 MR. GOLDSTEIN: That document --

20 MS. CAROLYN BONNER: -- to the new account.

21 MR. GOLDSTEIN: Ms. Bonner, with all due respect,

22 the stipulation to dismiss is a document that is

1 between the company and you and the Commission. It
2 has nothing at all to do with who said what to whom.
3 It has nothing at all to do with it. It only has to
4 do with the four corners of your complaint and I
5 cannot write that in there. I cannot do that under
6 any circumstances, okay.

7 So either you accept the stipulation as
8 it is or you don't.

9 MS. CAROLYN BONNER: Well, I mean, you're a --

10 MR. GOLDSTEIN: I can't put that in that
11 document.

12 MS. CAROLYN BONNER: Okay. Why not?

13 MR. GOLDSTEIN: It's -- because that's a document
14 that's filed with the Commission and is a public
15 record.

16 MS. CAROLYN BONNER: But it's part of the account
17 thing.

18 MR. GOLDSTEIN: It has nothing to do --

19 MS. CAROLYN BONNER: I accepted it.

20 MR. GOLDSTEIN: It has nothing to do with this
21 settlement. It has to do with the action between
22 the parties to the complaint --

1 MS. CAROLYN BONNER: That's nothing.

2 MR. GOLDSTEIN: -- and the Chief Clerk of the

3 Commission and what is posted on the Web site of the

4 Commission. I can't have that. I cannot have

5 extraneous matters placed on there.

6 MS. CAROLYN BONNER: Okay.

7 MR. GOLDSTEIN: I just can't and I have never

8 ever done it and --

9 JUDGE GILBERT: Let me stop you right there.

10 MR. GOLDSTEIN: -- I have a zillion of these

11 complaints.

12 JUDGE GILBERT: Okay. Let's go off the record.

13 (Whereupon, a discussion

14 was had off the record.)

15 JUDGE GILBERT: Is my understanding now that the

16 parties have, in fact, signed a stipulated motion to

17 dismiss, a joint motion to dismiss and that both

18 sides have signed it and they -- both sides

19 understand they have signed it.

20 Mr. Goldstein; correct?

21 MR. GOLDSTEIN: Correct, Judge.

22 JUDGE GILBERT: Ms. Bonner?

1 MS. CAROLYN BONNER: That's correct, your Honor.

2 JUDGE GILBERT: Okay. I will recommend that the
3 Commission dismiss the case with prejudice as you
4 have both indicated.

5 Thank you very much. We're done.

6 MS. CAROLYN BONNER: Thank you so much for your
7 time. Sorry it took so long.

8 (Whereupon, the above-entitled
9 matter was continued sine die.)

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